

Express Mail No. EV475141665US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Aebi, *et al.*

Confirmation No.:

Serial No.: 10/538,950

Art Unit:

Filed: June 14, 2005

Examiner:

For: INTERVERTEBRAL
IMPLANT

Attorney Docket No: 8932-1182-999

TRANSMITTAL OF REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

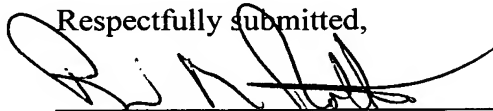
Sir:

Attorneys for Applicants submit herewith a Revocation and Power of Attorney for the above-identified application, executed by an authorized agent of the Assignee, Mathys Medizinaltechnik AG, on September 23, 2005. It is respectfully requested that this form be entered into the file of the captioned matter.

No fee is believed to be required with the transmittal of the Revocation and Power of Attorney. However, should a fee be required, the Commissioner is authorized to charge any such fee to Jones Day Deposit Account No. 50-3013.

Date: September 27, 2005

Respectfully submitted,



Brian M. Rothery

35,340
(Reg. No.)

JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Aebi, et al. Confirmation No.:
Serial No.: 10/538,950 Art Unit:
Filed: June 14, 2005 Examiner:
For: INTERVERTEBRAL IMPLANT Attorney Docket No.: 8932-1182-999

REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Mathys Medizinaltechnik AG (applicant or assignee) hereby revokes any and all previous powers and appoints:

☒ Practitioners at Customer Number 51832

as his/her/its/their attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence address for the above-identified application to:

☒ The above mentioned Customer Number.

☒ Firm or Individual Name:

Address: Jones Day, 222 East 41st Street, New York, New York 10017
Telephone: (212) 901-9028

I am the:

- ☐ Applicant/Inventor
☒ Assignee of record of the entire interest. See 37 CFR 3.71.
(Statement under 37 CFR 3.73(b) is applicable)

SIGNATURE of Applicant or Assignee of Record			
Date:	X 9/23/05	Signature:	X Robert M. Rauker
		Typed Name:	Robert M. Rauker
		Position/Title:	Authorized Agent

Statement Under 37 C.F.R. 3.73(b)

Mathys Medizinaltechnik AG

states that it is:

- ☒ the assignee of the entire right, title, and interest; or
☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on at Reel , Frame , or for which a copy thereof is attached.

OR

- ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: To:
The document was recorded in the United States Patent and Trademark Office on at Reel , Frame , or for which a copy thereof is attached.

2. From: To:
The document was recorded in the United States Patent and Trademark Office on at Reel , Frame , or for which a copy thereof is attached.

3. From: To:
The document was recorded in the United States Patent and Trademark Office on at Reel , Frame , or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☐ Copies of assignments or other documents in the chain of title are attached.
[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

ASSIGNEE: Mathys Medizinaltechnik AG

Date: x 9/23/05 Signature: x Robert M. Rauker
Typed Name: Robert M. Rauker
Position/Title: Authorized Agent

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required.

- ☒ Total of 3 forms are submitted.

.....

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Elizabeth K. Goshay, Notary Public
Uwchlan Twp., Chester County
My Commission Expires June 2, 2009

Member, Pennsylvania Association of Notaries

WHEREAS, new and useful improvements have been made by the undersigned in

INTERVERTEBRAL IMPLANT

that are the subject of an application for a U.S. Patent, (Application Number 10/538,950 filed _____), which application is further identified as Rankin, Hill, Porter & Clark LLP Docket No. LUS-.....

WHEREAS, Mathys Medizinaltechnik AG, a corporation of Switzerland, and having a place of business at Güterstrasse 5, CH-2544 Bettlach, Switzerland, hereinafter referred to as "assignee", is desirous of acquiring all right, title, and interest throughout the world in, to, and under said improvements and inventions and patent rights therefor.

NOW, THEREFORE, be it known that, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, all right, title, and interest, in the United States and throughout the world, in, to and under said improvements and inventions and all patents, patent applications, patent rights, and inventor's certificates thereof, therefor, and therein, including without limitation said application for patent in the United States, all divisions and continuations thereof, all patents which may be granted thereon, all reissues and extensions thereof, all right to sue for past infringement thereunder, all patents which may be granted for said improvements and inventions by states or nations other than the United States, or by other authority, entity, or organization, and all applications therefor, have been and are hereby sold, assigned, transferred, and delivered unto assignee, its successors and assigns; and it is covenanted and agreed by the undersigned, and for executors, administrators, and legal representatives of the undersigned, that at assignee's request any and all applications, affidavits, assignments, and other instruments will be made, executed, and delivered as may be necessary, or desirable to secure for or vest in assignee, its successors or assigns, any improvement, inventions, right, title, interest, application, patent, patent right or other right or property covered by this assignment, and the United States Commissioner of Patents and Trademarks is hereby requested and authorized to issue any and all United States patents granted on any of said applications to assignee as owner of the entire right, title, and interest in, to, and under the same, and appropriately empowered officials of foreign countries are hereby authorized to issue any letters patent granted on any of said applications to assignee as owner of the entire right, title and interest in, to, and under the same.

The undersigned hereby grants the firm of Rankin, Hill, Porter & Clark LLP the power to insert on this assignment any identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, this assignment has been executed below by the undersigned:

- (1) Inventor Name (joint): AEBI Max

Signature: X

Today's Date : Bitte leer lassen

Witness: X

Witness: X

- (2) Inventor Name (joint): BURKARD Dominique

Signature: X P. Burkard

Today's Date : August 12, 2005

Witness: X [Signature]

Witness: X [Signature]

- (3) Inventor Name (joint): FRIGG Robert

Signature: X Robert Frigg

Today's Date : August 12, 2005

Witness: X Robert Frigg

Witness: X A. H. H. H.

- (4) Inventor Name (joint): LECHMANN Beat

Signature: Beat Lechmann

Today's Date : August 12, 2005

Witness: X Barbara Fustli

Witness: X A. Habelo

- (5) Inventor Name (joint): MATHYS Robert Jun.

Signature: X Mathys

Today's Date : August 12, 2005

Witness: X [Signature]

Witness: X [Signature]

- (6) Inventor Name (joint): PAVLOV Paul

Signature: X [Signature]

Today's Date : August 12, 2005

Witness: X [Signature]

Witness: X [Signature]